

JUL 24 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLOS ALBERTO GIRALDO,

Defendant - Appellant.

No. 05-50442

D.C. No. CR-99-07017-IEG

MEMORANDUM^{*}

Appeal from the United States District Court
for the Southern District of California
Irma E. Gonzalez, District Judge, Presiding

Submitted May 15, 2006 ^{**}

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Carlos Alberto Giraldo appeals from the fourteen-month sentence imposed for violation of conditions of supervised release, pursuant to 18 U.S.C. § 3583(e). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Giraldo argues the imposition of supervised release increased the maximum penalty provided by the statute of conviction and thereby violated his Sixth Amendment rights. Giraldo's argument is precluded by *United States v. Huerta-Pimental*, 445 F.3d 1220, 1224 (9th Cir. 2006).

AFFIRMED.